

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 168

AN ACT

To repeal sections 192.006 and 192.020, RSMo, and to enact in lieu thereof two new sections relating to the rulemaking authority of the department of health and senior services.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 192.006 and 192.020, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 192.006 and 192.020, to read as follows:

192.006. The department of health and senior services may adopt, appeal and amend rules necessary to carry out the duties assigned to it. All rules shall be promulgated pursuant to the provisions of this section and chapter 536. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024. No rule promulgated by the department shall delegate the department's rulemaking authority to any official, agency, or other department. No rule promulgated by the department shall grant rulemaking authority to a state or local administrative official.

192.020. 1. It shall be the general duty and responsibility of the department of health and senior services to safeguard the health of the people in the state and all its subdivisions. It shall make a study of the causes and prevention of diseases. It shall designate those diseases which are infectious, contagious, communicable or dangerous in their nature and shall make and enforce adequate orders, findings, rules and regulations to prevent the spread of such diseases and to determine the prevalence

of such diseases within the state. It shall have power and authority, with approval of the director of the department, to make such orders, findings, rules and regulations as will prevent the entrance of infectious, contagious and communicable diseases into the state. No order, rule, or regulation made or promulgated by the department shall delegate the department's authority to promulgate or make orders, rules, or regulations to any official, agency, or other department. No order, rule, or regulation promulgated or made by the department shall grant authority to promulgate or make orders, rules, or regulations to a state or local administrative official.

2. The department of health and senior services shall include in its list of communicable or infectious diseases which must be reported to the department methicillin-resistant staphylococcus aureus (MRSA), carbapenem-resistant enterobacteriaceae (CRE) as specified by the department, and vancomycin-resistant enterococcus (VRE).